

1 DAWN SESTITO (S.B. #214011)
dsestito@omm.com
2 JUSTINE M. DANIELS (S.B. #241180)
jdaniels@omm.com
3 O'MELVENY & MYERS LLP
400 South Hope Street, 18th Floor
4 Los Angeles, California 90071-2899
Telephone: +1 213 430 6000
5 Facsimile: +1 213 430 6407

6 JACOB P. DUGINSKI (S.B. #316091)
jduginski@bdlaw.com
7 JAMES M. AUSLANDER (*pro hac vice*)
jauslander@bdlaw.com
8 BEVERIDGE & DIAMOND P.C.
456 Montgomery Street, Suite 1800
9 San Francisco, California 94104
Telephone: +1 415 262 4000

10 Attorneys for Petitioner and Plaintiff
11 Exxon Mobil Corporation

12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 EXXON MOBIL CORPORATION,

15 Petitioner and
16 Plaintiff,

17 v.

18 SANTA BARBARA COUNTY
19 BOARD OF SUPERVISORS,

20 Respondent and
21 Defendant,

22 and

23 ENVIRONMENTAL DEFENSE
CENTER, GET OIL OUT!,
24 SANTA BARBARA COUNTY
ACTION NETWORK, SIERRA
25 CLUB, SURFRIDER FOUNDATION,
26 CENTER FOR BIOLOGICAL
DIVERSITY, and WISHTOYO
27 FOUNDATION,

28 Intervenors.

Case No. 2:22-cv-03225-DMG (MRWx)

**DECLARATION OF DAWN
SESTITO IN SUPPORT OF JOINT
STIPULATION TO SET TIMING
FOR AMENDED COMPLAINT**

Judge: Hon. Dolly M. Gee
Courtroom: 8C

1 I, DAWN SESTITO, declare as follows:

2 1. I am an attorney admitted to practice in the courts of the State of
3 California and this District Court. I am a partner with O'Melveny & Myers LLP,
4 and represent Petitioner and Plaintiff Exxon Mobil Corporation ("ExxonMobil") in
5 the above entitled matter. I make this declaration in support of the Joint Stipulation
6 to Set Timing for Amended Complaint (the "Stipulation"). Unless otherwise
7 indicated, I have personal knowledge of the facts set forth herein, and if sworn, I
8 could and would competently testify to them.

9 2. ExxonMobil filed this action on May 11, 2022, bringing claims for
10 *inter alia* declaratory relief and/or damages for (a) takings in violation of the U.S.
11 Constitution and the California Constitution; (b) violations of the Commerce Clause
12 of the U.S. Constitution; (c) violations of the implied commerce clause of the
13 California Constitution; and (d) illegal exercise of police power under the
14 California Constitution (the "Complaint").

15 3. On October 27, 2023, ExxonMobil, Defendant Santa Barbara County
16 Board of Supervisors (the "Board"), and Intervenor Environmental Defense
17 Center, Get Oil Out!, Santa Barbara County Action Network, Sierra Club, Surfrider
18 Foundation, Center for Biological Diversity, and Wishtoyo Foundation
19 ("Intervenors," collectively the "Parties") filed the Joint Status Report of Parties
20 Regarding Phase II of Litigation Pursuant to FRCP 26(f) and L.R. 26-1 [Dkt. No.
21 56] (the "Joint Report") setting certain deadlines related to the Board's and
22 Intervenor's contemplated Motions for Judgment on the Pleadings including, *inter*
23 *alia*: (1) December 15, 2023 for the Parties to meet and confer pursuant to Local
24 Rule 7-3; (2) January 26, 2024 for the filing of such motions; and (3) March 22,
25 2024 for a hearing on those motions.

26 4. Consistent with the Joint Report, the Parties met and conferred on
27 December 15, 2023 to discuss the Motions for Judgment on the Pleadings pursuant
28 to Local Rule 7-3.

